



Motion was made by Lowman, seconded by Abrams, and all voting aye, to approve the revised Smith Park/8201 Park Avenue South JUA as presented.

**3.4 Access Easement 8201 Park**

Requested Action: Accept the access easement for the driveway at 8201 Park Avenue South.

Motion was made by Lowman, seconded by Abrams, and all voting aye, to accept the access easement described above.

**3.5 2014 Year-End Budget Transfers & Adjustments**

Requested Action: Approve the 2014 Year-End Budget Transfers and Adjustments listed in the agenda item and adopt a resolution authorizing the transfers.

Motion was made by Oleson, seconded by Baloga, and all voting aye, to approve the transfers and adjustments listed in the agenda and adopted a resolution authorizing the transfers. (R-2015-37)

**3.6 Meeting Minutes City Council-Approval**

Requested Action: Approve the September 8, 2014, City Council Study Meeting minutes.

Motion was made by Oleson, seconded by Baloga, and all voting aye, to approve the September 8, 2014, Study meeting minutes as presented.

**3.7 April 2015 City Council Meeting Calendar Adopt Resolution**

Requested Action: Adopt a resolution amending the April 2015 City Council meeting calendar moving the April 13<sup>th</sup> study meeting to April 27.

Motion was made by Oleson, seconded by Baloga, and all voting aye, to adopt a resolution moving the April 13 study meeting to April 27. (R-2015-25)

**4 PUBLIC COMMENT PERIOD**

**4.1 Response to Prior Meeting's Public Comments**

Mayor Winstead explained Response to Prior Meeting's Public Comments is a new regular item that has been added to the agenda.

City Manager Jamie Verbrugge explained the purpose of this item is ensure speakers' time is validated and responded to plus it allows staff time to reflect on the previous week's comments and conduct the necessary research. It will help define what is a question and what is a comment. He referenced the public comments made by Karen Wills, Vi Rozek and Sally Ness during last week's meeting. He said Ms. Wills commented on the Black Lives Matter/Mall of America issue, which was largely an opinion on how she'd like to see the City Council act on that issue. He said there is no follow-up that would be appropriate. He said the same is true for the observations and opinions offered by Ms. Rozek regarding 8201 Park Avenue.

Verbrugge said staff followed up on the traffic and parking issues brought forth by Ms. Ness to ensure there are no continuing violations relating to the Fire Code for assemblies or complications relating to the parking. He reported staff went to 8201 Park Avenue last Friday to monitor the traffic and the parking. He said two services were held over the lunch hour so the parking was observed at the peak time of 12:30 pm.

Verbrugge said the parking at 8201 Park Avenue was full with 159 vehicles in 157 spaces; 2 cars double-parked, which is allowed as long as the vehicles aren't blocking a fire lane. He reported 70 of the 74 spaces were occupied in the north parking lot, the lot subject to the Joint Use Agreement, but no spaces were occupied in the Chicago Lot. He said there were 9 cars parked on the street. There were a total of 238 vehicles for a facility that has access to 267 spaces. He said based on the parking, there were likely approximately 250-300 people in the building at the peak time. He said the Fire Code number is 300 people in the assembly room and estimated there were probably between 150-200 people at the most for each service that day. He said there was no concern regarding the Fire Code based on the vehicle count outside. Regarding nighttime use, he said neither the Comp Plan nor the City Code prohibits nighttime use of places of assembly. He said federal law doesn't allow cities to prohibit nighttime religious practices, which is an important consideration for the Joint Use Agreement.

Winstead asked staff to verify that the Fire Code limit for a place of assembly is 300, as he thought it was higher than that.

#### **4.2 Public Comment**

The Mayor opened the Public Comment Period for those wishing to address the Council on matters not on tonight's agenda.

Speaker #1: Sally Ness, 8127 Oakland Avenue South

She expressed concern that changes were made to Joint Use Agreement (JUA) without the allowance of public input. She said the new agreement uses the word "anticipated." She quoted the City Attorney from previous Council meetings regarding the information provided by applicants on their applications. She also showed a letter written by former City Manager Mark Bernhardson and an attached map that identified park/school limits. She talked about the existing agreement and said the City is again agreeing to allow Smith Park parking throughout the night. She read from the City's current standing policy that matters involving parking in the City's parks past 11:30 pm would be brought before the City Council. She said when those are brought to the City Council, the public has an opportunity to speak to them. She said with the JUA, the Council passed it without the public speaking to it. She said staff indicated the following items were not previously addressed in the agreements so have now been added to the new JUA pertaining to AFYFC: No limits on the use of the fields and no lighting shut-off requirement. She said City Code states the City's park parking lots are closed throughout the night but Council just adopted an agreement that will allow them to be open throughout the night.

Speaker #2: Brenda Mathison, 9127 Forest Hills Circle

She submitted information on organized collection stating she's been in the business for 30 years and follows the regulators. She said it would be in the City's best interest to establish three haulers to handle solid waste and recycling in the city and explained why -- minimizes the number of trucks on the streets, reduces the risk of accidents based on frequency, increases accountability, provides a consistent framework for pricing, and allows the City to expand its recycling program. She encouraged staff to utilize resources from Hennepin County and the State of Minnesota to help educate Bloomington's citizenry. She suggested the City require the haulers to cooperate with staff on its solid waste disposal characterization in the studies and conducting waste stream audits. Get some firm numbers from the haulers on what Bloomington residents are throwing away and recycling, as it might lead to the haulers' submitting an annual source reduction and recycling plan.

Speaker #3: Teri Inderieden, Lives near West Bush Lake  
She's a 22-year resident and fully supports a change in the collection of garbage. She's concerned about the carbon footprint. She currently recycles organics through Randy's and hopes organics will be part of an organized collection program even though, she said, there might be pushback by some of the haulers. She doesn't want to give up her organics recycling but understands the situation. She fully supports organized collection.

**5 LICENSING DIVISION:  
PUBLIC HEARINGS**

None.

**6 DEVELOPMENT  
BUSINESS: PUBLIC  
HEARINGS**

**6.1 Nelmac, LLP 9601  
James Avenue  
Variance (2)  
Prelim/Final Plat**

Requested Action: In Case 5277A-15, adopt a resolution approving a variance to reduce the side yard setback from 10 feet to 9.9 feet for the south structure located at 9601 James Avenue South for Nelmac LLP, subject to the conditions listed in the staff report.

In Case 5277B-15, adopt a resolution approving a variance to reduce the side yard setback from 10 feet to 6.5 feet for the north structure located at 9601 James Avenue South, subject to the conditions listed in the staff report.

In Case 5277CD-15, adopt a resolution approving a Preliminary and Final Plat for NELMAC 2<sup>ND</sup> ADDITION subject to the conditions listed in the staff report.

Planner Dennis Fields presented the staff report and said the Planning Commission and staff recommend approval of the three applications.

Motion was made by Lowman, seconded by Oleson, and all voting aye, to adopt a resolution approving a variance to reduce the required side yard setback from 10 feet to 9.9 feet for an existing industrial building, subject to the conditions listed in the staff report. (R-2015-26)

Motion was made by Lowman, seconded by Carlson, and all voting aye, to adopt a resolution approving a variance to reduce the required side yard setback from 10 feet to 6.5 feet for an existing industrial building, subject to the conditions listed in the staff report. (R-2015-27)

Motion was made by Lowman, seconded by Busse, and all voting aye, to adopt a resolution approving the Preliminary and Final Plat for NELMAC 2<sup>ND</sup> ADDITION, subject to the conditions listed in the staff report. (R-2015-28)

No public testimony was received.

**7 TRANSPORTATION &  
UTILITY  
IMPROVEMENTS:  
PUBLIC HEARINGS**

None.

**8 ORDINANCES: PUBLIC  
HEARINGS**

None.

- 9      **OTHER: PUBLIC HEARINGS**      None.
- 10      **ORGANIZATIONAL BUSINESS**
- 10.1   **City Council Policy & Issue Update**      Verbrugge reminded Council that the April 13 study meeting has been rescheduled to April 27. As a result of his previous inquiry of Council regarding their availability for a study meeting on March 30, announced there will be no study meeting on that date.
- Lowman said he enjoyed the new addition of Section 4.1 to the Council's agenda.
- 10.2   **Parks, Art, and Recreation Commission Appointments**      Requested Action: Consider one adult position on the Parks, Arts and Recreation Commission expiring December 31, 2017, to fill the vacancy created by Susan Tellers who withdrew her application after she was appointed on January 26, 2015.
- Council voted on the following individuals who were previously nominated for consideration of an appointment by the Council.
- Individual Voting Results:
- Lenny Schmitz: (Lowman, Oleson, Carlson, Baloga & Winstead)  
John Doble: (Busse)  
Jahana Berry: (Abrams)  
Rebecca Northup: (None)
- Motion was made by Abrams, seconded by Lowman, and all voting aye, to appoint Lenny Schmitz to a three-year term on the Parks, Arts & Recreation Commission expiring December 31, 2017.
- 11      **ADJOURN**      Mayor Winstead adjourned the meeting at 7:51 p.m.

Barbara Clawson  
*Council Secretary*